

REMARKS

I. Introduction

Claims 9, 10, and 12 to 16 are currently pending in the present application. Applicants thank the Examiner for allowing claims 9 and 13-16. Claim 10 has been amended. Entry of the amendment is requested since the amendment puts the application in condition for allowance and does not raise any new issue which would require further searches. In view of the foregoing amendments and the following remarks, it is respectfully submitted that claims 10 and 12 are allowable, and reconsideration of these claims is respectfully requested.

II. Drawing and Specification Objections & Rejection

The Examiner objected to the drawings under 37 CFR 1.83(a) because Fig. 2 of the present application shows “each sensor being connected to two wheel braking modules via electrical lines,” which would “suggest that the sensors are indirectly connected to the wheel braking modules.” (Office Action, p. 2). In response, Applicants have amended claim 10 to recite “each sensor is directly connected by electrical lines to only two wheel-braking modules associated with opposite lateral sides of the vehicle, on the same axle,” which is entirely consistent with Fig. 2 and the description. In addition, Applicants submit that the meaning of “directly connected by electrical lines” is perfectly clear. Accordingly, the drawing objection should be withdrawn.

The Examiner has also objected to the specification for the same reason as the drawing objection, i.e., the description indicates each sensor being connected to two wheel braking modules via electrical lines. In view of the amended language of claim 10 discussed above, which is entirely consistent with Fig. 2 and the description, the specification objection should be withdrawn.

Claims 10 and 12 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement for the same reason as the drawing and specification objections, i.e., Fig. 2 and the description indicate each sensor being connected to two wheel braking modules via electrical lines. In view of the amended language of claim 10 discussed above, which is entirely consistent with Fig. 2 and the description, the rejection should be withdrawn.

III. Rejection of Claims 10 and 12 under 35 U.S.C. § 103(a)

Claims 10 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over the APA, U.S. Patent No. 6,540,309 (“Jordan”), and U.S. Patent No. 5,086,499 (“Mutone”). Applicants respectfully submit that this rejection should be withdrawn, for the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007). In addition, all the teachings of the prior art must be considered, including those which teach away from the claimed invention. (See M.P.E.P. 2143.01.II). To the extent that the Examiner may be relying on the doctrine of inherent disclosure to support the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

In support of the rejection, the Examiner contends that it would have been obvious to modify the arrangement shown in Fig. 4 of the present application with the teachings of Jordan and Mutone, and that such a modification “would result in each of the sensors S1-S4 being connected to each of the modules in the APA brake system which would include modules associated with opposite lateral sides of the vehicle on the same axle.” (Final Office Action, p. 5-6). In order to obviate the Examiner’s argument, independent claim 10 has been amended to recite, in relevant parts, “at least four sensors for sensing an actuation of a brake actuating device; . . . and **each sensor is directly connected by electrical lines to only two**


wheel-braking modules associated with opposite lateral sides of the vehicle, on the same axle.” As implicitly acknowledged by the Examiner’s statement that the asserted combination of the prior art would suggest **“each of the sensors S1-S4 being connected to each of the modules** in the APA brake system,” and as explicitly acknowledged by the Examiner in the telephone conference held on March 5, 2010, there is simply no suggestion in the prior art of the claimed arrangement in which **“each sensor is directly connected by electrical lines to only two wheel-braking modules associated with opposite lateral sides of the vehicle, on the same axle.”**

For at least the foregoing reasons, independent claim 10 and its dependent claim 12 are not rendered unpatentable by the combination of the APA, Jordan and Mutone. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

Applicants respectfully submit that claims 9, 10, and 12-16 of the present application under consideration are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

 (R. No. 36,197)

Dated: August 6, 2010

By: SONG LEE for Gerard Messina
Gerard A. Messina (Reg. No. 35,952)
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646